

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DANIEL W. FAERFERS and KATJA
FAERFERS,

Plaintiffs,

v.

CAVIAR CREATOR, INC., a Nevada
Corporation, individually and
as successor to CAVIAR
CREATOR, INC., an Oregon
Corporation,

Defendants.

NO. CIV. S 04-2690 MCE PAN

MEMORANDUM AND ORDER

CAVIAR CREATOR, INC., a
Nevada Corporation,

Counterclaimant/
Cross-Complainant,

v.

DANIEL W. FAERFERS, an
individual; KATJA FAERFERS,
an individual; SINCLAIR WILSON,
an unknown business entity;

Counter-defendants/
Cross-defendants.

1 Plaintiff Daniel W. Faerfers filed a motion seeking a
2 protective order that he not be required to travel from Germany
3 to the Eastern District of California for his deposition.
4 Plaintiff claimed that requiring him to travel that distance for
5 his deposition would cause him an undue hardship.

6 On October 7, 2005, this Court issued a protective order in
7 accordance with Federal Rule of Civil Procedure 30(b)(7)
8 mandating that Daniel Faerfers' deposition be taken by telephonic
9 or other electronic means. See Mem. and Order, Oct. 7, 2005.

10 Caviar Creator filed a motion for reconsideration and the
11 matter was heard at 9:00 a.m. on October 17, 2005. Counsel for
12 plaintiff Daniel Faerfers and defendant Caviar Creator, Inc. and
13 cross-defendant Sinclair Wilson were present for oral argument.

14 After consideration of the papers filed by the parties in
15 support of and in opposition to the motion as well as oral
16 argument presented at the hearing, the Court does not find that
17 requiring Daniel Faerfers to personally appear at his deposition
18 in the Eastern District of California will cause him an undue
19 hardship.

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1 Defendant's motion for reconsideration is GRANTED. The
2 Court vacates that order issued October 7, 2005 and hereby orders
3 that Daniel Faerfers personally appear for deposition in
4 Sacramento, California on November 7, 2005 at the previously
5 noticed time and location.

6 IT IS SO ORDERED.

7 October 17, 2005

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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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